

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DYNAMIC MACHINE WORKS, INC.,)	
)	
Plaintiff)	Docket No. 04-10525-WGY
)	
v.)	
)	
MACHINE & ELECTRICAL)	
CONSULTANTS, INC.,)	
)	
Defendant)	

SUPPLEMENTAL AFFIDAVIT OF NORMAN CREPEAU

I, Norman Crepeau, hereby depose and say as follows:

1. I am the Vice President of Machine & Electrical Consultants, Inc. ("MECI"), 17 Pomerleau Street, Biddeford, Maine 04005. I have been involved in the sales and service of new and used manufacturing machinery and turning equipment, including precision lathes, since 1990. I have personal knowledge of the matters contained herein.

2. This Affidavit supplements my prior Affidavit dated October 11, 2004 submitted in Opposition to Plaintiff's Motion for Summary Judgment and in Support of MECI's Motion for Partial Summary Judgment.

3. On January 13, 2003, Dynamic agreed to purchase the Johnford lathe from MECI.

4. When Dynamic agreed to purchase the Johnford lathe, it was in the process of designing and constructing a significant expansion to its business facility.

5. Dynamic intended to locate the Johnford lathe within its new facility expansion.

6. MECI reasonably expected that the new facility would be designed and built to accommodate the Johnford lathe.

7. Unfortunately, at the time of delivery, MECI learned that the new facility's entryway doors had been built too small to accommodate the Johnford lathe.

8. The Johnford lathe delivered to Dynamic required no specialized electrical service.

9. The electrical service for the Johnford lathe also could service other new and used manufacturing machinery and turning equipment.

10. MECI did not prepare specifications or select the size and type of steady rest which was selected and purchased by Dynamic and delivered with the Johnford lathe.

11. The steady rest supplied with the Johnford lathe is not a mandatory accessory.

12. Steady rests are interchangeable among various manufacturing and turning machinery.

13. Dynamic utilizes a variety of steady rests on the machines located on the floor of its facility.

Signed under the pains and penalties of perjury this 3rd day of November, 2005.

s/Norman Crepeau